

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COREY CREDIT,

Plaintiff,

v.

GREEN EARTH BUILDING
MAINTENANCE, INC., a Florida
Corporation doing business in Washington
State,

Defendant.

CASE NO. 16-5330 RJB

ORDER ON MOTION TO AMEND

This matter comes before the Court on Plaintiff Corey Credit's Motion for Leave of Court to Amend Complaint. Dkt. 10. The Court has considered the pleadings filed regarding the motion and the file.

Originally filed in Pierce County, Washington Superior Court, Plaintiff, an African American, brings this case asserting that Defendant Green Earth Building Maintenance, Inc. ("Green Earth") violated his rights under the Washington Law Against Discrimination, RCW

1 49.60, *et seq.* (“WLAD”) when one of its managers repeatedly used racial slurs and made the
 2 work place unbearable for Plaintiff. Dkt. 1-2.

3 Plaintiff now moves for leave to amend his complaint to: (1) add a party, Aerotek, Inc.
 4 (“Aeroek”), the temporary staffing firm that sent him to work at Green Earth, (2) add additional
 5 factual allegations, and (3) add claims for constructive discharge and for intentional infliction of
 6 emotional distress. Dkt. 10. For the reasons provided below, the motion should be granted.

7 **FACTS IN PROPOSED AMENDED COMPLAINT**

8 Plaintiff attached the proposed Amended Complaint to his motion. Dkt. 10, at 6-10.
 9 Plaintiff asserts in his Amended Complaint that he was an employee of Aerotek and was sent to
 10 work at Green Earth. Dkt. 10, at 8. Plaintiff alleges that his Green Earth manager, Jeremy
 11 Bracket, would make racial comments daily to Plaintiff, including calling him “monkey,” or
 12 “boy,” telling “nigger jokes,” and once when Plaintiff was late, picking up a stick and
 13 threatening him with it, calling it his “nigger stick.” *Id.* Plaintiff states that this behavior was
 14 reported to management at both Green Earth and Aerotek and neither company took corrective
 15 action. *Id.* “The racial harassment became too much for Plaintiff to bear and he resigned.” *Id.*
 16 Plaintiff’s proposed Amended Complaint makes claims for violation of his rights under WLAD
 17 for hostile work environment, disparate treatment, unlawful retaliation, and constructive
 18 discharge. *Id.* He also makes claims for intentional and negligent infliction of emotional
 19 distress. *Id.* Plaintiff seeks damages, attorneys’ fees and costs. *Id.*

20 **DISCUSSION**

21 Fed. R. Civ. P. 15(a)(1), “[a] party may amend its pleading once as a matter of course
 22 within (A) 21 days after serving it or (B) if the pleading is one to which a responsive pleading is
 23 required, 21 days after service of a responsive pleading . . .” Rule (a)(2) provides that “a party
 24

1 may amend its pleading only with the opposing party's written consent or the court's leave. The
2 court should freely give leave when justice so requires.” A motion to amend under Rule
3 15(a)(2), “generally shall be denied only upon showing of bad faith, undue delay, futility, or
4 undue prejudice to the opposing party.” *Chudacoff v. University Medical Center of Southern*
5 *Nevada*, 649 F.3d 1143, 1152 (9th Cir. 2011).

6 Plaintiff’s Motion for Leave of Court to Amend Complaint (Dkt. 10) should be granted.
7 No opposition to Plaintiff’s motion has been filed, so there has been no showing of “bad faith,
8 undue delay, futility, or undue prejudice to the opposing party.” *Chudacoff*, at 1152. The
9 motion (Dkt. 10) should be granted.

10 The proposed Amended Complaint has not been signed. Dkt. 10, at 10. Plaintiff should
11 have until August 19, 2016 to file his Amended Complaint.

12 ORDER

13 Therefore, it is hereby **ORDERED** that:

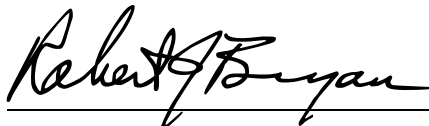
- 14 • Plaintiff Corey Credit’s Motion for Leave of Court to Amend Complaint (Dkt. 10)

15 **IS GRANTED**; and

- 16 • Plaintiff **SHALL FILE** his Amended Complaint by August 19, 2016.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
18 to any party appearing *pro se* at said party’s last known address.

19 Dated this 8th day of August, 2016.

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22 ROBERT J. BRYAN
23 United States District Judge
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